



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**70 CIVIL APPLICATION NO. 9511 OF 2024  
IN FA/2120/2024**

JAMNABAI MORILAL DALVI AND OTHERS  
*VERSUS*  
UNITED INDIA INSURANCE COMPANY LTD THROUGH ITS BRANCH  
MANAGER AND ORS

...  
Advocate for Applicant : Mr. Vinayak. D. Patnurkar.  
Advocate for Respondent No.1 : Mr. Swapnil S. Rath. ...

CORAM : **KISHORE C. SANT, J.**

DATE : 17<sup>th</sup> October, 2024.

**P.C.:**

. Heard the learned counsel for the parties.

2 This application is for withdrawal of amount filed by the original claimants. The appellant has already deposited the amount in the office of this Court. The learned counsel for appellant/insurance company objected the application stating that serious ground of non-involvement of the vehicle is raised in the appeal. He submits that there are good chances of success in the appeal. He thus, prays for rejection of the application.

3 The learned counsel for applicants points out from the judgment that the Court has accepted the involvement of the vehicle on going through the evidence. Applicant Nos.2 to 4 are minors. Considering

that the family requires amounts for survival and that they have lost the earning member of the family, the following order is passed:-

### **ORDER**

- I. The applicant Nos.1 and 5 are permitted to withdraw 50% of the amount of their share, alongwith accrued interest, deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest, to the extent of their share, is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- II. So far as the amount of applicant Nos.2 to 4 is concerned, the same be kept in fixed deposit in any nationalized bank. However, the interest accrued on the said amount be credited to the account of applicant No.1 every quarter.
- III. Applicant Nos.2 to 4 are at liberty to file application for withdrawal of amount after they attained the majority.
- IV. With this, the civil application for withdrawal of amount stands disposed of.

**[ KISHORE C. SANT, J. ]**